



9-23-04

Docket No: GI5358-CIP
Patent

1647

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Kenneth JACOBS, et al
Application No.: 10/084,298 Group Art No.: 1647
Filed: February 25, 2002 Examiner: Rachel B. Kapust
For: COMPOSITION AND METHOD FOR TREATING INFLAMMATORY
DISORDERS
Confirmation No.: 7985
Customer Number: 25291

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV238505012US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date

9/22/04

Kerry A. D'Ovidio

09/24/2004 SSESHE1 00000038 071060 10084298

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2. Identification of Time of Filing

This Information Disclosure Statement

- a. ☐ is filed within three months of the filing date of the application.
- b. ☐ is filed before the mailing date of a first Office Action on the merits.
- c. ☐ is filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- d. ☒ is filed after the period specified in 2(a), 2(b) or 2(c) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p), as appropriate.
- e. ☐ is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), and (ii) the fee set forth in 37 CFR 1.17(p).

3. ☒ Certification under 37 CFR 1.97(e) and 1.704(d)
The undersigned attorney certifies

- a. ☐ that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- b. ☒ Items 5 and 11-12 cited on the Information Disclosure Statement and PTO 1449 were cited in a communication from a foreign patent office in a counterpart foreign application, EP Application No. 00928535.4, no more than three months prior to the filing of the statement. A copy of the European Search Report issued in EP Application No. 00928535.4 mailed on July 14, 2004 is enclosed.
- c. ☐ certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign application patent office in a counterpart foreign application and was not received by any individual designated in 37 CFR 1.56(c) more than thirty (30) days prior to the filing of the statement.

- ☒ Newly Cited Information
A legible copy of Items 1-4 and 6-10 cited on the attached form PTO 1449 is enclosed. No copy of Items 5 and 11-12 cited on the attached form PTO 1449 is enclosed as these references have been cited to the Patent Office in the above-referenced application on an Information Disclosure Statement filed on October 28, 2002. This statement includes the fee set forth in 37 CFR 1.17(p).

- ☐ Previously Cited Information
No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.

- ☐ Concise Explanation
Documents cited above which are not in the English Language
- a. ☐ have been explained in the specification.
- b. ☐ have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.

Form PTO-1449 is enclosed in duplicate.

- ☒ Fees
- ☒ Fee for filing under 37 CFR 1.97(c) or (d) Fee: \$180.00

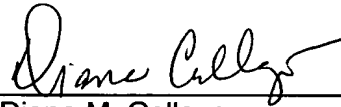
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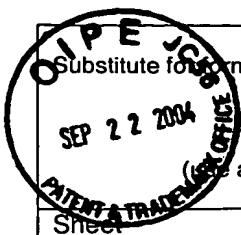
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Substitute for Form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (See as many sheets as necessary)				Application Number	10/084,298
				Filing Date	February 25, 2002
				First Named Inventor	Kenneth JACOBS
				Group Art Unit	1647
				Examiner Name	Rachel B. Kapust
Sheet	1	of	1	Attorney Docket Number	GI5358-CIP

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number (If known)	Kind Code (If Known)			
	1.	2003/0170823		Presnell, S.R., et al	09-11-2003	
	2.	2004/0023341		Wenfeng, et al	06-10-2004	
	3.	2004/0152125		Presnell, S.R., et al	08-05-2004	
	4.	2004/0180399		Renauld, J.C., et al	09-16-2004	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number	Kind Code (If Known)				
	5.		WO 2000/24758		Ludwig Institute for Cancer Research		05-04-2000	<input type="checkbox"/>

OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	6.	Bork, P., Genome Research 10:398-400, 2000	<input type="checkbox"/>
	7.	Doerks, et al, Trends in Genetics 14:248-250, 1998	<input type="checkbox"/>
	8.	Smith, et al, Nature Biotechnology 15:1222-1223, 1997	<input type="checkbox"/>
	9.	Brenner, S.E., Trends in Genetics 15:132-133, 1999	<input type="checkbox"/>
	10.	Mahairas, et al., PNAS, USA, 96(17) 9739-9744 (1999)	<input type="checkbox"/>
	11.	Xie, M-H, et al (2000) J. Biol. Chem. Vol. 275(40):31335-31339	
	12.	Dumoutier, et al (2000) PNAS 97(18): 10144-10149	

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.